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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,261	04/14/2004	Kenneth M. Allison SR.	Allison-001	8093

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EXAMINER

COLLINS, TIMOTHY D

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/825,261

Applicant(s)

ALLISON, KENNETH M.

Examiner

Timothy D. Collins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-35, 37-39, 57, 58 is/are pending in the application.
- 4a) Of the above claim(s) 1-23, 36 and 40-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24, 25, 27-35, 37-39, 57 and 58 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings filed 9/15/06 are accepted.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24, 30 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyer (US 6494404) – hereinafter '404.

'404 teaches a passenger compartment (14) for use in an aircraft (78) comprising: an aircraft (78); a frame detachably mounted within aircraft (14); and at least one row of seats (38) removed along with said frame. The reference discloses a row of seats detachably affixed to a frame 14 and that the frame is at least below the seats, however it is also around the seats in that it surrounds them. However it is also noted that the applicant has not claimed that the frame does not extend in any other direction or around the seats in any way. Also the frame is attached to the bottom of the interior of the craft as seen in the figures.

With respect to claim 30, '404 teaches a food module (42, fig 5).

With respect to claim 34, '404 teaches ingress/egress from more than one side (col 2 lines 5-10)

With respect to claim 35, '404 teaches a sub-floor defining a storage space (fig 4).

Claims 24, 27, 28, 35 and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyer ((US 3289981) – hereinafter '981.

Meyer teaches a passenger compartment (20) or use in an aircraft (30) comprising: an aircraft (30); a frame detachably mounted within aircraft (20); and at least one row of seats (fig 6, above subfloor – area designed for passengers – see col 1 para 1) removed along with said frame (fig 1).

With respect to claim 27, '981 teaches a track (21) onto which the frame (20) is slidably mounted.

With respect to claim 28, '981 teaches wherein a winch type system and cable (col 2 lines 53-57) is provide for moving the compartment (20).

With respect to claim 35, '981 teaches a sub-floor defining a storage space (fig 6).

1. Claims 24 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6260813 to Whitcomb (hereinafter called 813).

a. Re claim 24, 813 discloses a passenger compartment inherently in that there is a seat in an aircraft which may hold a passenger and therefore there is a passenger compartment at least partially surrounding such seat and passenger on the seat. Also it can be seen from column 1 at lines 17 and 18 that rows of seats are disclosed. The rows being detachably affixed to a frame 36 below the seats and also being removable from the interior of a craft as seen that it slides out of the track 14 which is in the bottom portion of the interior of an aircraft.

- b. Re claim 27, the frame 36 is seen to be slidably mounted to the track such that it may be moved out of the craft.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Meyer applications as applied to claim 24 above, and further in view of Bathurst (US 2388380). Meyer teaches the invention as described above with respect to Meyer, but doesn't teach more than one independent and interconnectable module. Bathurst teaches an airplane in which the fuselage is made of more than one independent and interconnectable module (fig. 1), the motivation being to provide for quick

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unloading/loading of the aircraft without unloading the respective compartments.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify either Meyer invention to include multiple independent and interconnectable modules.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Meyer applications as applied to claim 24 above, and further in view of Coughren (US 6007025). Meyer teaches the invention as described above with respect to Meyer, but doesn't teach a lavatory module detachable with the frame. Coughren teaches a stowable lavatory module for an airplane, the motivation for combining would be to provide the modules used in Meyer with a lavatory that takes minimal space. Therefore it would have been obvious to one skilled in the art at the time of invention to provide the passenger compartments taught by Meyer with a lavatory module.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6260813 to Whitcomb (called 813). 813 may not specifically disclose that an overhead compartment is attached to the interior, however the examiner takes official notice that it is old and well known in the art to use overhead compartments in aircraft and to have them affixed to the interior of the aircraft. These overhead compartments are also known to be independent of the seats frames other than the connection through the rest of the airframe and interior of the craft. Therefore it would have been obvious to one of ordinary skill in the art to have applied the teachings of overhead compartments into the aircraft of 813 so as to provide for storage of luggage during flights.

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Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Meyer applications as applied to claim 24 above, and further in view of Hart (US 5716027). Meyer teaches the invention as described above with respect to claim 24, but doesn't teach an overhead bin for storage that goes with the portable storage compartment. Hart teaches an overhead luggage bin that can be installed on existing aircraft, the motivation for combining being to provide additional storage in the unused space above the seats. Therefore it would have been obvious to modify the inventions of Meyer to provide for an overhead storage bin that goes with the passenger compartment.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Meyer applications as applied to claim 24 above, and further in view of Forster (US 6281797). Meyer teaches the invention as described above with respect to claim 24, but doesn't teach sensors in the sub-floor to detect the presence of articles within said space. Forster teaches a sensing apparatus for detecting the presence of luggage within the sub-floor (fig 12) the motivation for combining being to ensure that cargo with active tracking devices such as taught by Forster have their transmitters turned off prior to launching the aircraft. Therefore it would have been obvious to one skilled in the art at the time of invention to put sensors in the sub-floor of the passenger compartments taught by Meyer to detect the presence of an article within the space.

Claims 33, 37, 38 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Meyer applications as applied to claim 24 above. Meyer teaches the invention as described above with respect to claim 24, but doesn't teach

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door affixed to the sub-floor which communicates between the outer surface of the sub-floor and the space defined by the sub-floor and bottom of said frame. The examiner takes official notice that prior to current FAA regulations prohibiting access to the baggage hold in flight, it was well known in the art to provide a door communicating with the underneath baggage compartments to provide for access to the aircraft crew to subsystems of the aircraft in case of troubleshooting. Therefore, it would have been obvious to one skilled in the art at the time of invention to provide for access to the sub-floor compartment in the passenger modules taught by Meyer.

With respect to claim 37 and 38, Meyer doesn't teach a seat attached to the pivotal door, nor does it mention a direction in which the door would rotate. It would have been an obvious matter of design choice to locate a seat above the pivotal door, or choose the direction in which the door operates, since applicant has not disclosed that either of these features solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with said pivotal door and aforementioned seat attached therewith.

Allowable Subject Matter

Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The previous allowability of claim 31 is withdrawn in view of the new grounds of rejection.

Response to Arguments

2. Applicant's arguments filed 9/15/06 have been fully considered but they are not persuasive.

c. Re applicant's argument that Meyer 404 discloses a frame which is all around the seat. It is noted that the applicant has not **claimed** that the frame is not in these locations. It appears the applicant is arguing more specifically than the claim language.

d. Re applicant's argument that Meyer 981 discloses a capsule. It is noted that the applicant has not **claimed** that the frame is not in these locations. It appears the applicant is arguing more specifically than the claim language.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Collins whose telephone number is 571-272-6886. The examiner can normally be reached on M-F, 7:00-3:00, with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

a o. collins 11/22/06
Timothy D. Collins
Primary Examiner
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